



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Application of

Applicants : Kelly T. Hurley et al

Serial No. : 09/808,484

Confirm. No. : 3606

Filed : March 14, 2001

Title : **SELF-ALIGNED FLOATING GATE FLASH CELL SYSTEM AND METHOD**

Docket : MIO 0064 PA

Examiner : Quinto, Kevin V.

Art Unit : 2826

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REPLY

This paper is being filed along with an Request for Continued Examination in response to the Office Action made final and dated March 31, 2003, with a month extension of time, thereby making this response due on or before 31 July, 2003. Reconsideration of the present application is respectfully requested in light of the remarks below.

REMARKS

Formal Drawings

The Examiner has yet to indicate whether the formal drawings originally filed with the application were accepted. Unless otherwise notified, Applicants will assume that the drawings are acceptable.

Rejection of the Claims

The Examiner has rejected claims 12, 19, 20, 21, 22, 24, 25, 33, 34, 36-38, 40, 73, 74 and 76 under 35 USC 103(a) as being unpatentable over Hong (US 5,770,501) in view of Shimizu et al (US 6,462,373), and further in view of Yoo et al (US 5,747,848).

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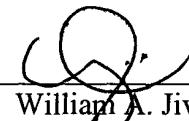
Enclosed is a declaration under 37 CFR 1.131 (along with Exhibits A-E), which substantiates that the invention was reduced to practice prior to the filing date of the Shimizu et al patent. As such, the Shimizu et al patent is not prior art and cannot form the basis for a rejection under §103. Accordingly, before the recited invention, one skilled in the art would not have been provided with the teaching, suggestion, or motivation to modify the device of Hong with a sloped isolation trench as asserted by the Examiner. Therefore, Applicants respectfully request withdrawal of all the obviousness rejections to the claims.

### CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,  
KILLWORTH, GOTTMAN, HAGAN &  
SCHAEFF, L.L.P.

By



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